

# **EXHIBIT 3**

**COPY**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

GINA ANNE NOEL PANE,

Plaintiff,

-against-

Index No.

07 CV 3216

(WP4)(LMS)

THE TOWN OF GREENBURGH, JOHN KAPICA, in his  
Capacity as CHIEF OF THE GREENBURGH NEW YORK  
POLICE DEPARTMENT, ERIK WARD, POLICE OFFICER  
MICHAEL MUESSER, SERGEANT ROBERT GRAMAGLIA,  
SERGEANT FRANCIS PUMILLO, DETECTIVE FERTIG, JOHN  
DOE POLICE OFFICERS 1-10, SO NAMED AS THEIR  
IDENTITIES HAVE YET TO BE ESTABLISHED,

Defendants.

- - - - -X

November 12, 2007

3:25 p.m.

DEPOSITION of EUGENE PANE, non-party witness  
herein, taken pursuant to Subpoena, and held at  
the offices of Stecich Murphy & Lammers, 828 South  
Broadway, Suite 201, Tarrytown, New York, before  
Michael McAliney, a Court Reporter and Notary  
Public of the State of New York.

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EUGENE PANE

17

1 A. She did not.

2 Q. And what did you do after having  
3 returned home with Gina from Jake's house?

4 A. I don't know.

5 Q. Okay. Do you recall there being a  
6 discussion that Sunday morning after you returned  
7 home with Gina about Gina meeting with one of the  
8 Greenburgh police officers later that Sunday?

9 A. No.

10 Q. Were you aware that she was going to  
11 meet with a Greenburgh police officer?

12 A. I think I found out about it later.

13 Q. Okay. How did you find out about it, do  
14 you recall?

15 A. No. Come on, it's a year and a half  
16 ago.

17 Q. Okay. I'm not making any presumptions.  
18 Do you know how you found out?

19 A. I said, no.

20 Q. Okay. Have you paid any of Gina's legal  
21 bills relating to her criminal case?

22 A. I paid, and she's repaid me.

23 Q. All right. And how much have you paid  
24 in legal bills --

1 A. I think it was 6,000.

2 Q. -- incurred by her for the legal  
3 services rendered to her in connection with her  
4 criminal case?

5 A. 6,000.

6 Q. Okay. And how much has she repaid you?

7 A. All of it.

8 Q. And did she pay you all at once --

9 A. No.

10 Q. -- or in increments?

11 A. Increments.

12 Q. Okay.

13 A. Like pulling teeth.

14 Q. What do you mean, what do you mean by  
15 that, what do you mean it's like pulling teeth,  
16 what do you mean?

17 A. When she gets paid, you got to ask her  
18 for some money.

19 Q. Okay. And how has she paid you, by  
20 check or some other means?

21 A. No, cash.

22 Q. Okay. And have you kept a record of the  
23 monies that she has reimbursed you for the --

24 A. I did.